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SENATE BILL 526

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Allen V. Hurt

AN ACT

RELATING TO ALCOHOL; PROHIBITING THE RETAIL SALE OF ALCOHOLIC BEVERAGES TO PERSONS CONVICTED A FOURTH OR SUBSEQUENT TIME OF DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; REQUIRING THE MOTOR VEHICLE DIVISION TO ESTABLISH A DATABASE AND PROCEDURE FOR LICENSED RETAIL LIQUOR DISTRIBUTORS TO DETERMINE IF A PERSON IS PROHIBITED FROM THE RETAIL PURCHASE OF ALCOHOLIC BEVERAGES; ENACTING A NEW SECTION OF THE LIQUOR CONTROL ACT; AMENDING SECTIONS OF THE MOTOR VEHICLE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Liquor Control Act is enacted to read:

" [NEW MATERIAL] PROHIBITED RETAIL SALES-- PENALTIES. --

A. It is a violation of the Liquor Control Act for a person who has had a fourth or subsequent conviction for

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1 driving while under the influence of intoxicating liquor or
2 drugs, as provided in Section 66-8-102 NMSA 1978, to purchase
3 alcoholic beverages from a retailer for a period of one year
4 after the fourth or subsequent conviction.

5 B. It is a violation of the Liquor Control Act for
6 a licensed retailer to sell alcoholic beverages to a person who
7 has had a fourth or subsequent conviction for driving while
8 under the influence of intoxicating liquor or drugs, as
9 provided in Section 66-8-102 NMSA 1978, for a period of one
10 year after the fourth or subsequent conviction.

11 C. A licensed retailer, his employee or agent shall
12 require the purchaser of alcoholic beverages to show
13 identification in the form of a driver's license or
14 identification card. If the driver's license or identification
15 card is issued by this state, the seller shall determine, in a
16 manner established by the motor vehicle division of the
17 taxation and revenue department, if the purchaser is restricted
18 from the purchase of alcoholic beverages as a result of
19 multiple convictions for driving while under the influence of
20 intoxicating liquor or drugs. A licensed retailer, his
21 employee or agent shall be relieved of this requirement if the
22 driver's license or identification card is not issued by this
23 state.

24 D. A person who gives, loans, sells or delivers an
25 identification card to a person unable to purchase alcoholic

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1 beverages under this section with the knowledge that the person
2 intends to use the identification card for the purpose of
3 purchasing alcoholic beverages is guilty of a petty misdemeanor
4 and shall be sentenced pursuant to the provisions of Section
5 31-19-1 NMSA 1978.

6 E. A person who knowingly purchases alcoholic
7 beverages for a person unable to purchase alcoholic beverages
8 under this section is guilty of a petty misdemeanor and shall
9 be sentenced pursuant to the provisions of Section 31-19-1 NMSA
10 1978. "

11 Section 2. Section 66-5-15 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 237, as amended) is amended to read:

13 "66-5-15. LICENSES ISSUED TO APPLICANTS. --

14 A. The department shall, upon payment of the
15 required fee, issue to every qualified applicant a driver's
16 license as applied for, which license shall bear the full name,
17 date of birth, New Mexico residence address, [~~and~~] a brief
18 description of the licensee and the signature of the licensee.
19 No license shall be valid unless it bears the signature of the
20 licensee.

21 B. The license shall have a magnetic code, or other
22 marking as determined by the department, that will allow a
23 licensed retailer of alcoholic beverages to determine if the
24 licensee is not authorized to purchase alcoholic beverages as a
25 result of multiple convictions for driving while under the

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1 influence of intoxicating liquor or drugs."

2 Section 3. Section 66-5-23 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 245, as amended) is amended to read:

4 "66-5-23. RECORDS TO BE KEPT BY THE DIVISION. --

5 A. The division shall file every application for a
6 driver's license or a commercial driver's license pursuant to
7 the provisions of the New Mexico Commercial Driver's License
8 Act received by it and shall maintain suitable indexes
9 containing:

10 (1) all applications denied and, on each, note
11 the reasons for denial;

12 (2) all applications granted;

13 (3) the name of every licensee whose license
14 has been suspended or revoked by the division and, after each,
15 note the reasons for the action; and

16 (4) the name of every licensee who has
17 violated his written promise to appear in court.

18 B. The division shall also file all abstracts of
19 court records of conviction or reports from the trial courts of
20 this state [~~received by it~~], which show [~~either that~~] whether a
21 driver is a first offender or a subsequent offender and whether
22 that offender was represented by counsel or waived the right to
23 counsel, [~~received by it under the laws of this state, with~~
24 ~~attention to~~] and shall comply with the provisions of Article
25 III of the Driver License Compact [~~and in connection~~

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1 ~~therewith~~. The division shall maintain convenient records or
2 make suitable notations in order that the individual record of
3 each licensee, showing the convictions of the licensee [~~in~~
4 ~~which he has been involved~~], shall be readily ascertainable and
5 available for the consideration of the division upon any
6 application for renewal of license, in determining if the
7 licensee is prohibited from the purchase of alcoholic beverages
8 and at other suitable times. "

9 Section 4. Section 66-5-405 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 332, as amended) is amended to read:

11 "66-5-405. CONTENTS OF CARD. --

12 A. The identification card shall adequately
13 describe the registrant and bear his picture, which shall show
14 a full face or front view for all registrants. All
15 identification cards of persons under the age of twenty-one
16 years shall have a printed legend indicating that the person is
17 under twenty-one. The identification card shall bear the
18 following statement:

19 "STATE OF NEW MEXICO IDENTIFICATION

20 CARD NO. _____

21 This card is provided solely for the purpose of establishing
22 that the bearer described on the card was not the holder of a
23 New Mexico driver's license as of the date of issuance of this
24 card. This identification card is not a license. ISSUED FOR
25 IDENTIFICATION PURPOSES ONLY. "

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1 B. The identification card shall have a magnetic
2 code, or other marking as determined by the department, that
3 will allow a licensed retailer of alcoholic beverages to
4 determine if the holder is not authorized to purchase alcoholic
5 beverages as a result of multiple convictions for driving while
6 under the influence of intoxicating liquor or drugs."

7 Section 5. EFFECTIVE DATE. --The effective date of the
8 provisions of this act is July 1, 2003.

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